

United States Dist. Court
for the middle Dist of Penna

William Branch Plaintiff : Civil action No. 1:CV-00-1728

vs. : (Judge Conner)

MR Russian et. al.,
Defendant

:
:

BRIEF in SUPPORT of motion to
Deny Summary Judgement

FILED
HARRISBURG, PA
JAN 22 2001

If it Please's this Honorable and august Court
Inmate CF-3756 WM Branch Humbly Prays this
Noble Court Deny Defendants motion for
Summary Judgement. for the Reason stated
blow

MARY E. DUNN
Per ~~County Clerk~~
County Clerk

1. There are material issues
2. it has been conceded by defence in
Their BRIEF
3. Rules of Federal Rules of Civil Procedure
#56(f) Bar's the Granting of Summary
Judgement until discovery is completed
4. I can establish a causal link between my
Protected activities and the adverse actions
Taken against me by staff
5. Timing : farRELL vs. PlantERS Life SaverS co.
206 F3d 271, 280 (3rd Cir 2000) (stating that
Suggestive timing is Relevant to Causation in
Retaliation case's) misconduct written near
Parole Hearing OR staffings for Parole OR Raisels
I can show that the defendant conspired to punish me.

BRIEF IN SUPPORT of motion to Deny Summary
JudgementWoods v. Smith 60 F.3d 1161 (5 Cir 1995)

[60] PRISON LAW KEY 4(10.1), 13(4)

PRISON officials may not retaliate against OR harass inmates for exercising Right of access To Courts OR for complaining to supervisor about guards misconduct.

[8] Civil Law Key 135 PRISON disciplinary action motivated by Retaliation for PRISONER'S exercise of constitutionally protected Right is actionable even if act, when taken for different Reason, might be legitimate.

The defendants have already conceded in their Support Brief for Summary Judgement that I have satisfied the Two prong's of PAUSER Page 17820 Therefore I will focus on the causal link between his Protected activities and the adverse action.

What RUSIAN does not say is that prior to his writing a misconduct alleging I threaten him I had spoken to Capt Griffin, I wrote a Request to MR Friedman and to Supt Colleman dated 7-15-00 Ex AA-6 and a Grievance dated 7-20-00 which was (No # issued) never answered I also wrote a Second Grievance which they/Staff did give me a number and answered while I was in the RTU, but they allow MR Friedman to investigate my Grievance # WAM-0232-00. I charged MR Friedman with CONSPIRACY and he should not have been allowed to investigate himself (a Red light should go on) in each instance the staff has used

Klandestine Tactics to deny me due PROCESS

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KRIET IN SUPPORT OF motion to deny summary judgement

and to Relahate against me for exercising my first amendment to Redress the Government and Reporting their mis conducts.

In this setting where the People I Report to (ask for Relief) don't want me to Report any misconducts [a person of sound mind would have dropped/stop any court action and reporting any misconducts].

Brooks vs. Andolina 826 F2d 1266 (3d Cir 1987)
 In mate who was Sentence in disciplinary proceeding to 30days punitive Segregation for writing letter complaining that female Guard had Searched one of his visitors in a very Seductive manner brought § 1983 action against prison officials
 Court of appeals held: disciplinary action taken against inmate violated his first amend, Fourteenth amend. Rights.

Fed. Rules of Civil Procedure Rule 56 (f)

I have established w/ the help of the defence that there are material issue in my Pleadings.

A cause by which Relief may be Granted therefore according to the 3rd Cir Appeals Court Summary Judgement Should not be Granted untill DISCOVERY has been completed

Citing: Gabriel ST SURIN VS. Virgin Islands Daily 21 F3d 1309 at 1314 (3rd Cir. 1994).

Because I am in forma Pauperis I can not afford to copy and pay postage as the prison has ~~systematically~~ Kept my Pay at .19¢.

**BRIEF IN SUPPORT OF MOTION TO DENY SUMMARY
JUDGEMENT**

To begin, my access to Court Go Karwowski was my Block Go and he removed a inmate who cleaned the Bath Rooms at night and refused to give me papers at the 3 months interval as D.O.C. Policy States... I know I will not be able to meet all the files the Court Requires. Therefore I am asking this August Court to appoint me counsel as the instant action is exceedingly complex and the Prison Law Library is Profoundly deficient to pursue this complex litigation in that a/ the Prison Law Library Restricts the Petitioner's access to the Law Library. B/ the Prison Limits the time the Petitioner can utilize the Law Library & the materials in the Prison Law Library are incomplete ~~and~~ emasculated, emasculated, and consummately inadequate to pursue this intricate legal action.

In light of the aforesaid Petitioner respectfully Request this Honorable and August Court to Grant the appointment of Counsel, Deny of Summary Judgment, a stay or Deferment of action until such time Petitioner is released from Prison at which time the Petitioner will resume the action within 60 days.

Respectfully,
Ms. Mosely esq. Deputy Attorney

General
Strawberry Sq. 15fl
Harrisburg Pa 17120

WITNESS DECLARATION

I affirm under penalty of the law that the above is true.

Date 1-16-04

WITNESS DECLARED ON 01/23/2004
PO Box 256
Harrisburg Pa 19472

Name & No. 1F3756 Branch

P.O. Box 238
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INMATE MAIL
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Kegal
mail

D. A. J. H. A., CLERK
DEPUTY CLERK

JAN 23 2004
HARRISBURG, PA
FILED

